



General Assembly

Substitute Bill No. 441

February Session, 2000

An Act Concerning Open Burning.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (f) of section 22a-174 of the general statutes, as
2 amended by section 2 of public act 99-225, is repealed and the
3 following is substituted in lieu thereof:

4 (f) The commissioner shall allow [the open burning of brush in the
5 state provided a permit for such burning is obtained from the fire
6 marshal of the municipality where the brush is proposed to be burned
7 and further provided such burning is restricted to residential property
8 where the open burn permittee resides, or at a municipal landfill,
9 municipal transfer station or municipal recycling center] the open
10 burning of brush on residential property, provided the burning is
11 conducted by the resident of the property or the agent of the resident
12 and a permit for such burning is obtained from the local open burning
13 official of the municipality in which the property is located, and the
14 open burning of brush in municipal landfills, transfer stations and
15 municipal recycling centers, provided a permit for such burning is
16 obtained from the fire marshal of the municipality where the facility is
17 located, except that no open burning of brush shall occur (1) when
18 national or state ambient air quality standards may be exceeded; (2)
19 where a hazardous health condition might be created; (3) when the
20 forest fire danger in the area is identified by the commissioner as
21 extreme and where woodland or grass land is within one hundred feet

22 of the proposed burn; (4) where there is an advisory from the
23 commissioner of any air pollution episode; (5) where prohibited by an
24 ordinance of the municipality; and (6) in the case of a municipal
25 landfill, when such landfill is within an area designated as a hot spot
26 on the open burning map prepared by the commissioner. A permit for
27 the burning of brush at any municipal landfill, municipal transfer
28 station or municipal recycling center shall be issued no more than six
29 times in any calendar year. The proposed permit to burn brush at any
30 municipal landfill, municipal transfer station or municipal recycling
31 center shall be submitted to the commissioner by the fire marshal, with
32 the approval of the chief elected official of the municipality in which
33 the municipal landfill, municipal transfer station or municipal
34 recycling center is located. The commissioner shall approve or
35 disapprove the fire marshal's proposed permitting of burning of brush
36 at a municipal landfill, municipal transfer station or municipal
37 recycling center within a reasonable time of the filing of such
38 application. The burning of leaves, demolition waste or other solid
39 waste deposited in such landfill shall be prohibited. [The
40 commissioner shall require the payment of an application fee and
41 inspection fee in accordance with regulations adopted by the
42 commissioner in accordance with chapter 54.] The burning of
43 nonprocessed wood for campfires and bonfires is not prohibited if the
44 burning is conducted so as not to create a nuisance and in accordance
45 with any restrictions imposed on such burning. Nothing in this
46 subsection or in any regulation adopted pursuant to this subsection
47 shall affect the power of any municipality to regulate or ban the open
48 burning of brush within its boundaries for any purpose.
49 Notwithstanding any other provision of this section, fire [blocks]
50 breaks for the purpose of controlling forest fires [, fires for the purpose
51 of fire-training exercises] and controlled fires in salt water marshes to
52 forestall uncontrolled fires [may be authorized with the written
53 approval of the commissioner] are not prohibited. Open burning may
54 be engaged in for any of the following purposes if the fire marshal
55 with jurisdiction over the area where the burning will occur issues an
56 open burning permit: Fire-training exercises; eradication or control of

57 insect infestations or disease; agricultural purposes; clearing vegetative
58 debris following a natural disaster; and vegetative management or
59 enhancement of wildlife habitat or ecological sustainability on state
60 property, public property or any property permanently dedicated as
61 open space. Local burning officials nominated for the purposes of this
62 subsection shall be nominated only by the chief executive officer of the
63 municipality in which the official will serve and shall be certified by
64 the commissioner. The chief executive officer may revoke the
65 nomination. The commissioner may adopt regulations, in accordance
66 with the provisions of chapter 54, governing open burning and may
67 authorize or prohibit open burning consistent with this section. The
68 regulations may require the payment of an application fee and
69 inspection fee and may establish a certification procedure for local
70 burning officials.

71 Sec. 3. This act shall take effect from its passage.

ENV Committee Vote: Yea 23 Nay 0 JFS